



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

NR  
F. # 2018R0509

*271 Cadman Plaza East  
Brooklyn, New York 11201*

January 24, 2019

By Overnight Delivery and ECF

Dawn M. Cardi, Esq.  
Cardi & Edgar LLP  
99 Madison Avenue, 8th Fl.  
New York, New York 10016

Henry E. Mazurek  
Meister Seelig & Fein LLP  
125 Park Avenue, 7<sup>th</sup> Floor  
New York, NY 10017

Re: United States v. Andrew Tepfer and Mark Weissman  
Criminal Docket No. 18-524 (DLI)

Dear Ms. Cardi and Mr. Mazurek:

Enclosed please find additional discovery in accordance with Rule 16 of the Federal Rules of Criminal Procedure. The government also requests reciprocal discovery from the defendant.

I. The Government's Discovery

A. Materials Enclosed

The government herein produces:

- A pen register application and orders dated March 27, 2017, (17 MISC 867) associated with (845) 708-4050 and a spreadsheet reflecting the pen register data obtained pursuant to the application and orders;
- A pen register application and order, dated March 21, 2017, (17 MISC 8818) associated with (917) 531-3790 and (845) 641-2719 and a spreadsheet reflecting the pen register data obtained pursuant to the application and orders

for (917) 531-3790. No data was captured with respect to the (845) 641-2719 telephone number.

- A screenshot of a 2014 text messages with Andrew Tepfer (Bates numbered 000292);
- Three screenshots of text messages with Mark Weissman (Bates numbered 000293-295);
- A photograph of Andrew Tepfer's residence at the time of his arrest (Bates numbered 000296);
- Recordings of three calls on June 4, 6 and 7, 2018 involving Igal Haimoff (Bates numbered electronically as 000297 through 000299); and
- A report detailing post-arrest statements by Mark Weissman on or about June 18, 2018.

B. Previously Produced Materials

The government notes that it previously provided the following materials, via hand, on or about December 10, 2018, to the defendant Weissman's counsel pursuant to a Protective Order:

- Consensual video recordings (and associated audio recordings) of meetings including Igal Haimoff on May 11, May 24 and June 5, 2018. These folders are marked electronically as 00001 through 00003;
- Consensual telephone recordings of calls involving Igal Haimoff on May 25 and 31 and June 4, 6 and 7, 2018. (Bates numbered electronically as 00004 through 00008);
- Images of text messages obtained from Igal Haimoff's telephone incident to his arrest on June 18, 2018. (Bates numbered 00009 through 00014);
- Consensual video recordings (and associated audio recordings) of meetings including Mark Weisman on March 2, 2017, March 20, 2018, April 19, 2018 and May 11, 2018. (Bates numbered electronically as 00015 through 00018);

- Consensual telephone recordings of calls involving Mark Weissman on April 24, 25, May 8, 10 and 23, 2018. (Bates numbered electronically as 00019 through 00022);
- Text messages from the telephone of a confidential source from 2017 and 2018 in communication with, among others, Mark Weissman. (Bates numbered 00023-00102);
- Text messages between Andrew Tepfer and his United States probation officer. (Bates numbered 00103);
- Text messages recovered from Mark Weissman's phone on the date of his arrest. (Bates numbered 00104-00116);
- Emails with Igal Haimoff. (Bates numbered 00117-00119);
- Text messages obtained from Igal Haimoff's telephone. (Bates numbered 00120-00135);
- Text messages obtained from Andrew Tepfer's telephone. (Bates numbered 00136-00238);
- Text messages obtained from Mark Weissman's telephone. (Bates numbered 00239-00291); and
- A search warrant relating to the telephones of Igal Haimoff and Andrew Tepfer with docket number 18-M-616.

You may examine the physical evidence discoverable under Rule 16, including original documents, by calling me to arrange a mutually convenient time.

C. Reports of Examinations and Tests

The government will provide you with copies of any additional reports of examinations or tests in this case as they become available.

D. Expert Witnesses

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) and Fed. R. Evid. 702, 703 and 705 and notify you in a timely fashion of any expert that the government intends to call at trial and provide you with a summary of the expert's opinion.

E. Brady Material

The government is not aware of any exculpatory material regarding the defendant. The government understands and will comply with its continuing obligation to produce exculpatory material as defined by Brady v. Maryland, 373 U.S. 83 (1963), and its progeny.

Before trial, the government will furnish materials discoverable pursuant to Title 18, United States Code, Section 3500, as well as impeachment materials. See Giglio v. United States, 405 U.S. 150 (1972).

F. Other Crimes, Wrongs or Acts

The government will provide the defendant with reasonable notice in advance of trial if it intends to offer any material under Fed. R. Evid. 404(b).

II. Future Discussions

If you have any questions or requests regarding further discovery or a disposition of this matter, please do not hesitate to contact me.

Please be advised that, pursuant to the policy of the Office concerning plea offers and negotiations, no plea offer is effective unless and until made in writing and signed by authorized representatives of the Office. In particular, any discussion regarding the pretrial disposition of a matter that is not reduced to writing and signed by authorized representatives of the Office cannot and does not constitute a “formal offer” or a “plea offer,” as those terms are used in Lafler v. Cooper, 132 S. Ct. 1376 (2012), and Missouri v. Frye, 132 S. Ct. 1399 (2012).

Very truly yours,

RICHARD P. DONOGHUE  
United States Attorney

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Enclosures

cc: Clerk of the Court (DLI) (by ECF) (without enclosures)